IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4357 OF 2004

Mr.Zameer Ayyub Kotkunde .. Petitioner
V/s
The Education Officer (Primary)
Zilla Parishad, Solapur and Ors. .. Respondents

Mr.S.D.Thokade for the Petitioner.
Mr.Nitin Jamdar for Resp.No.1.
Mr.R.M.Patne, AGP for Resp.Nos.2 and 3.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 01.04.2005.

P.C.:

1. Rule. Heard forthwith.

2. By an order dated 2.11.2001 the Education Officer was directed to conduct an enquiry as to whether the petitioners were also responsible for derecognition of the School, and the order came to be passed on 10.1.2002. The Education Officer took a view, as set out in paragraph No.1, that the persons named in the order, were responsible for derecognition and in these circumstances, they are not entitled to be absorbed. The present petition by the petitioner is to challenge the said order passed by the Education Officer. From the impugned order it is not possible to know as to how the petitioner herein was responsible for derecognition of the School. The Education Officer had to pass specific order, setting out the role of each teacher in the matter of derecognition. The role had to be

substantial so as to have effect on the ultimate order of derecognition. We do not find any reasons given as to what was the role of the petitioner. In the light of that, the following order:

> The impugned order in so far as the petitioner is concerned, is set aside. The matter is remanded back to Respondent No.1 to pass fresh order after hearing the petitioner and if the Petitioner is not liable to be absorbed then to give reasons as to why the petitioner is not entitled to be absorbed and his role in the matter of derecognition. Matter to be disposed of within eight weeks from today.

3. Rule is made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)